

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § No. 3:11-CV-1049-M
§
HORACE SMITH, §
§
Defendant, §
§
and §
§
O'CONNOR & ASSOCIATES, §
§
Garnishee. §

UNITED STATES' NOTICE OF WITHDRAWAL
OF ITS MOTION TO QUASH WRIT OF GARNISHMENT

United States of America (United States) filed a Motion to Quash Writ of Garnishment (motion) on August 2, 2011, and now notices the Court and all parties of its withdrawal of the motion and proposed order from the docket of this case based upon information received subsequent to the filing of the motion.

The United States filed an Application for Writ of Garnishment on May 20, 2011, and served a Writ of Garnishment on Garnishee O'Connor & Associates and its affiliates, successors, or assigns for nonexempt property belonging to or due Defendant Horace Smith (Smith), who is a judgment debtor of the United States, and LaShonta R. Odom (Odom). At the time of the filing of the application and service of the writ, the United

States believed Odom was the spouse of Smith based upon information provided to the United States by the United States Probation Office and a sworn Financial Statement provided by Smith dated June 7, 2010. Subsequent to service of the writ seeking to garnish the disposable earnings of Odom, she contacted the United States and asserted that she was not Smith's spouse and that Smith is still married to someone else.

At the time the United States filed its motion, the United States was unable to locate any legal record of a marriage between Smith and Odom, yet was able to determine through an internal investigation that Smith was married to Anong Smith. Accordingly, the United States filed the motion.

On June 14, 2011, Supervising United States Probation Officer Robert Fino (PO Fino) filed a Petition for Offender Under Supervision in Smith's criminal case 3:03-CR-415-09-K asserting that Smith violated two conditions of his probation. On August 2, 2011, the United States was informed by PO Fino that he attended a probation revocation hearing held in Smith's criminal case the previous day, and Odom testified under oath in court that she married Smith "sometime in 2009". Based upon this new information provided by PO Fino, the United States is awaiting a transcription of the proceedings to verify Odom's sworn testimony for use in support of its original application for a writ of wage garnishment.

Wherefore, the United States notifies the Court of its withdrawal of the United States' Motion to Quash Writ of Garnishment filed on August 2, 2011.

Respectfully submitted,

JAMES T. JACKS
UNITED STATES ATTORNEY

/s/ Mattie Peterson Compton

Mattie Peterson Compton
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CERTIFICATE OF SERVICE

I certify that on this 5th day of August 2011, a copy of the United States' Notice of Withdrawal of its Motion to Quash Writ of Garnishment was mailed to:

O'Connor & Associates
Michael Webb
2200 North Loop West, Suite 200
Houston, TX 77018
Garnishee

Horace Smith
801 Candle Meadow Blvd.
Desoto, TX 75115-1504
Defendant

LaShonta R. Odom
801 Candle Meadow Blvd.
Desoto, TX 75115
Party-in-Interest

/s/ Mattie Peterson Compton
Mattie Peterson Compton
Assistant United States Attorney